IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.306 OF 2006
IN
CRIMINAL APPEAL NO.291 OF 2006

Shri M. Devdas Shetty ...Applicant

Vs.

Union of India & Anr. ...Respondents

Shri P.L. Shetty for the Applicant.
Shri Raja Thakare for C.B.I.
Shri S.V.More, A.P.P for the State.

WITH
CRIMINAL APPLICATION NO.302 OF 2006
IN
CRIMINAL APPEAL NO.288 OF 2006

Shri S.K.Sheenappa Rai ...Applicant

Vs.

The State of Maharashtra ...Respondent
(Through C.B.I. Mumbai)

Smt Manjula Rao for the Applicant.
Shri Raja Thakare for C.B.I.
Shri S.V.More, A.P.P for the State.

CORAM : A. S. OKA, J.
DATE : NOVEMBER 07, 2006.

P.C.:

1. The Applicants in these Applications are accused Nos.2 and 1 respectively. The substantive sentence is of five years. Throughout the trial the Applicants were on bail. The learned Trial Judge protected the Applicants after order of conviction was passed. It is not in dispute that both the Applicants have deposited the fine amount payable by them.

2. It is not likely that Appeals will be heard before period of sentence is over considering large pendency of old Appeals in this court. In view of the decision of the Apex Court in the case of Bhagwan Rama Shinde Gosai & Ors. Vs. State of Gujarat [(1999) 4 Supreme Court Cases Page 421) the Applicants will have to be enlarged on bail especially when there is no allegation as regards misuse of liberty granted during the pendency of the trial.

3. Hence, Applications are disposed of by passing following order:

(i) The Applicants shall be enlarged on the same bail on which they are enlarged during the pendency of the trial subject to filing fresh bail bonds.

(ii) The bail is granted subject to condition that the Applicants will report to the Investigating Agency once in every three calendar months till the disposal of the Appeals.

JUDGE